

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|------------------------------|---|------------|
| CLIFFORD ALBERT MARQUIS |) | |
| |) | |
| COMPLAINANT |) | CASE NO. |
| |) | 2017-00225 |
| V. |) | |
| |) | |
| SOUTH HOPKINS WATER DISTRICT |) | |
| |) | |
| DEFENDANT |) | |

ORDER

South Hopkins Water District (“South Hopkins Water”) is hereby notified that it has been named as defendant in a formal complaint (“Complaint”) filed on May 23, 2017, a copy of which is attached hereto. The Complaint, filed by Clifford Albert Marquis, alleges that in December 2016, he turned off the water, drained the water pipes, and left the water valves open to prevent the pipes from freezing at his property at 469 Lick Creek Road, Dawson Springs, Kentucky, before returning to North Carolina for the winter months. Mr. Marquis alleges that in response to his request, South Hopkins Water turned his water off, but that at some subsequent date South Hopkins turned his water back on without his permission or request. Mr. Marquis asks for relief from the \$1,354.28 bill that resulted from the water’s having been turned on without his permission, and requests that the Commission require South Hopkins Water to file an answer to the Complaint.

Based on a review of the Complaint, the Commission found that there was insufficient information to determine whether Mr. Marquis had presented a *prima facie* case, and requested more information from South Hopkins in a June 12, 2017 Order. South Hopkins Water filed a detailed response to the Complaint on June 20, 2017. Upon South Hopkins Water's filing of its response, the Commission issued information requests on August 3, 2017, to which South Hopkins filed responses on August 14, 2017.

Based upon a review of the record, the Commission finds that Mr. Marquis has presented a *prima facie* case. Specifically, the record shows that South Hopkins disconnected the water on February 28, 2017, and prior to that, consistent with the Complaint, the Marquis bill was the minimum \$10.54, or the minimum with a penalty for late payment. The record shows there is a disproportionate usage between the time the utility allegedly mistakenly turned on the water, either on February 28, 2017, or March 7, 2017, and the March 13, 2017 read date reporting 11,550 gallons, and the usage recorded on March 23, 2017, of 317,470 gallons when the superintendent for South Hopkins turned the water off. Prior to the date of disconnection, the usage was zero gallons for the months of December 2016, January 2017, and February 2017. Usage is recorded for February 9, 2017, at zero, March 13, 2017, at 11,550 gallons, and April 10, 2017, at 317,960 gallons. The proportion of usage from February 28 to March 13 and from March 13 to April 10 is not consistent. There is a question as to when and what action caused the water to be turned on and there is a question as to why and what caused it to run more if the property was unoccupied. Additionally, the facts are not clear on whether other parties are involved as to usage on the property at the time in question. These issues will be addressed at an informal conference ("IC").

The Commission finds that pursuant to 807 KAR 5:001, Section 20, South Hopkins Water should satisfy the matters complained of or file a written answer to the complaint within ten days from the date of service of this Order.

Additionally, the Commission notes that pursuant to 807 KAR 5:006, a customer account is considered current while a dispute is pending if the customer continues to make undisputed payments and stays current on subsequent bills. Parties are reminded that any payment plan entered into previously regarding the disputed amount, shall be held in abeyance until the resolution of this Complaint.

Finally, Commission Staff hereby gives notice that an IC will be held on Thursday, October 5, 2017, at 11:30 a.m. Eastern Daylight Time at the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. The purpose of the IC is to discuss any substantive and procedural issues related to this case. Commission Staff will contact all parties by electronic mail to provide the details for joining the conference call via telephone.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

IT IS HEREBY ORDERED that:

1. Within ten days of the date of service of this Order, South Hopkins Water District shall file an Answer to the Complaint of Clifford Albert Marquis.
2. Any settlement plan previously in place between the parties is deemed held in abeyance pending the outcome of this Complaint pursuant to 807 KAR 5:006.

3. A party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

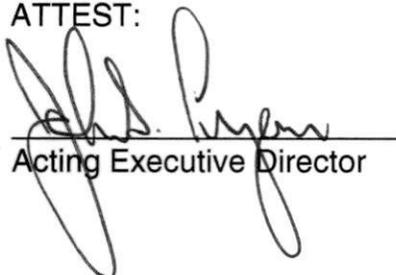
4. Documents of any kind filed with the Commission in the course of this proceeding shall also be served on all parties of record.

5. Parties shall attend the IC scheduled for Thursday, October 5, 2017, at 11:30 a.m. Eastern Daylight Time (10:30 p.m. Central Daylight Time), at the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky or via telephonic conference call.

By the Commission



ATTEST:


Acting Executive Director

Case No. 2017-00225

Clifford A Marquis
469 Lick Creek Road
Dawson Springs, KENTUCKY 42408

*South Hopkins Water District
129 South Main Street
P. O. Box 487
Dawson Springs, KY 42408

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